THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2423 of 2007

Dated:15.02.2007

Between
Khairunnisa

.....Petitioner

and

1.Additional Industrial Tribunal
cum Additional Labour Court,
Hyderabad and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2423 of 2007

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the docket order dated 8.11.2006 on the file of the 1st respondent-Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad in IDSR No.1675 of 2006.

Learned Government Pleader was directed to produce the records, but he did not produce the same stating that the Presiding Officer is not available, and as such he was unable to produce the same.

Be that as it may, it appears that the petitioner raised a dispute under Section 2-A (2) of the Industrial Disputes Act against the Management of the A.P. Women's Commission represented by its Commissioner, Secunderabad being aggrieved by the illegal termination of her

services. It seems that the office had taken certain objections stating that the AP Women's Commissioner is not an industry within the meaning of the Industrial Disputes Act, therefore, the petition was returned. Aggrieved by the same, the present writ petition is filed.

It appears that though the petitioner re-submitted the petition explaining the position as to the maintainability, but the same was returned. I am of the opinion that unless and until the respondent is put on notice and he files a written statement and arguments are advanced as to the maintainability, the Labour Court ought not to have rejected the petition only on the basis of some GOs purported to have been issued by the Government from time to time.

Under those circumstances, the writ petition is allowed and the impugned docket order passed on 8.11.2006 is set aside. The 1st respondent is directed to number the ID and after giving an opportunity of hearing to the respondent, decide the preliminary issue as to the maintainability of the petition and then the other issues that may

arise for consideration in the ID if necessary. No costs.

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15-02-2007

Note: Issue CC by one week.
(B.O) rkk